

### **REMARKS**

This Preliminary Amendment accompanies a Request for Continued Examination. The Examiner is thanked for the thorough examination of the application. The specification has been amended to improve its language. No new matter is believed to be added to the application by this Amendment.

### **Status of the Claims**

Claims 1-4 are pending in the application. Support for the amendments to claims 1 and 3 can be found in paragraph [0036] of the specification.

### **Double Patenting Rejection**

Claims 1 and 3 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 6 of U.S. Patent 6,717,638 of parent application no. 09/712,190. Applicant maintains traversal.

A Terminal Disclaimer of U.S. Patent No. 6,717,638 accompanied the Amendment filed August 1, 2005. U.S. Patent No. 6,717,638 has thus been removed as prior art to the present invention. This rejection is overcome and withdrawal thereof is respectfully requested.

**Rejection Under 35 U.S.C. 102(b) Over Nagata**

Claims 1-4 remain rejected under 35 U.S.C. 102(b) as being anticipated by Nagata (U.S. Patent No. 6,060,199). Applicant traverses.

Distinctions of the invention over Nagata were placed before Examiner at pages 4-7 of the Amendment filed August 1, 2005. For brevity, this discussion is not repeated here.

At page 2 of the Advisory Action mailed August 9, 2005, the Examiner rebutted the Applicant's position as follows:

Claim 1 recites "a color filter layer on the TFT, and in direct contact with the source and the drain, wherein said contact is only at a portion where said color filter layer is overlapping ONLY edge portions of the source and drain." But there is no standard to define an edge: how many percent from an edge should consider as an edge (how close to an edge will consider as an edge). Therefore, the color filter 8 of Nagata is overlapping ONLY edge portions of the source and drain in a broad sense.

However, claims 1 and 3 have been amended to recite that "said color filter layer is overlapping only edge portions of the source and drain so as to prevent light leakage and improve an aperture ratio." One of ordinary skill would be able to determine the amount of overlap without undue experimentation. Also, the overlap of the present invention is clearly fundamentally different than the electrode configuration set forth in Figure 3A of Nagata.

Nagata thus fails to anticipate or suggest the present invention.

This rejection is overcome and withdrawal thereof is respectfully requested.

### **Information Disclosure Statement**

The Examiner is thanked for considering the Information Disclosure Statement filed January 15, 2004 and for making the initialed PTO-1449 form of record in the application in the Office Action mailed November 15, 2004.

### **Foreign Priority**

The Examiner has indicated that he has considered the foreign priority in the parent case in the Advisory Action mailed August 9, 2005.

### **The Drawings**

The Examiner is respectfully requested to indicate whether the drawing figures are acceptable in the next official action.

### **Conclusion**

The Examiner's rejections have been overcome, obviated or rendered moot. No issues remain. The Examiner is accordingly respectfully requested

to place the application in condition of allowance and to issue a Notice of Allowability.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  #39,538

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